

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

LOIS PALMER, HOWARD PALMER,
LELAND PALMER and MARSHALL HAWKINS

PLAINTIFFS

VS.

CIVIL ACTION NO. 5:08-CV-219 (DCB) (JMR)

NEW YORK LIFE INSURANCE COMPANY

DEFENDANT

ORDER

This cause is before the Court sua sponte for disposition of a stale motion for summary judgment. On August 14, 2009, an Agreed Order of Dismissal with Prejudice was entered in which plaintiffs Lois Palmer, Howard Palmer and Leland Palmer dismissed all their claims against the original defendant, Marshall Hawkins, with prejudice pursuant to Fed.R.Civ.P. 41. The motion for summary judgment (**docket entry 54**) previously filed by Marshall Hawkins is therefore moot. Accordingly,

IT IS HEREBY ORDERED that the motion for summary judgment (**docket entry 54**) previously filed by Marshall Hawkins is DENIED as moot.

SO ORDERED, this the 24th day of March, 2010.

/s/ David Bramlette
UNITED STATES DISTRICT JUDGE